

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------|---|---------------------------|
| DAVID J. CATANZARO, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 3:22-cv-1768-MEM |
| v. |) | |
| |) | |
| SPINN, INC., |) | |
| |) | |
| |) | |
| Defendant. |) | |

**FIFTH JOINT MOTION TO EXTEND TIME FOR DEFENDANTS WALMART
STORES, INC. AND WALMART.COM TO RESPOND TO PLAINTIFF’S COMPLAINT**

Plaintiff David J. Catanzaro (“Plaintiff”) and Defendants Walmart Stores, Inc. and Walmart.com (collectively, “Walmart”), by and through their undersigned counsel, respectfully request an Order permitting Defendant to file an answer or other pleading in response to the Third Amended Complaint in this matter by January 31, 2024. In support of this Motion, the parties jointly state as follows:

1. The parties have agreed to permit an additional extension of time for Walmart to answer, move, or otherwise respond to Plaintiff’s Third Amended Complaint, which was filed on or about November 21, 2022 and served on June 15, 2023, may be extended to January 31, 2024.
2. The parties have been working together to identify numerous third-party sellers that offered for sale and sold the accused products on Walmart’s online marketplace to enable Plaintiff an opportunity to resolve the dispute with those sellers as to their products. To date, Plaintiff has resolved the claims with at least 45 such sellers.
3. The parties do not anticipate requesting any further extensions.

4. Good cause exists for the agreed upon extension as it will provide additional time for the parties to both discuss a potential resolution of the case and further investigate the Third Amended Complaint.
5. The parties agree that this Motion and/or the resultant extension does not constitute a waiver of any claim, right, or defense.
6. In accordance with M.D. Pa. R. 7.1, Plaintiff certifies that he has expressed concurrence with the relief requested and permits this Motion to be filed jointly.
7. A proposed Order is submitted herewith for the Court's consideration.

Wherefore, it is respectfully requested that this honorable Court grant the Joint Motion of Plaintiff and Walmart to permit Walmart to answer or otherwise plead in response to Plaintiff's Third Amended Complaint on or before January 31, 2024.

Respectfully submitted,

Dated: November 30, 2023

By: /s/ David J. Catanzaro

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Plaintiff, pro se

Dated: November 30, 2023

By: /s/ Stephen H. Barrett

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*Attorney for Defendants Walmart Stores, Inc.
and Walmart.com*

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of November, 2023, a copy of the foregoing was filed with the Court electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. Additionally, a copy of this filing was served on David J. Catanzaro via US Mail and electronic mail.

Dated: November 30, 2023

By: /s/ Stephen H. Barrett

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Inc. and Walmart.com*